

Hi Jeff:

Serial No. 09/560,761
Group Art Unit 1634

→ Seq ID 3 & encoding 4 are free
of the prior art.
→ Scope is narrowed as required by
112 & rejections.

Amendments to the Claims:

→ discussed allowance w/ Beth McElwain →
she said OK.

This listing of claims will replace all prior versions, and listings, of claims in the
application:

Please sign.

Thanks,
Junit

Listing of Claims:

1-21. (Cancelled)

22. (Currently Amended) A method for increasing ~~modulating~~ the level of
tocopherol in a plant, comprising:

- (a) stably transforming a plant cell with a polynucleotide operably linked to a promoter, wherein the polynucleotide is selected from the group consisting of;
 - i) a polynucleotide comprising the sequence set forth in SEQ ID NO: 3, and
 - ii) a polynucleotide that encodes the polypeptide of SEQ ID NO: 4[.],
 - iii) ~~a polynucleotide having at least 70% sequence identity to SEQ ID NO: 3, wherein the % identity is based on the entire coding sequence and is determined by GAP using default parameters,~~
 - iv) ~~a polynucleotide which selectively hybridizes, under stringent hybridization conditions and a wash in 2X SSC at 50°C, to a hybridization probe the polynucleotide sequence of which consists of SEQ ID NO: 3, and~~
 - v) ~~a polynucleotide complementary to a polynucleotide of (i) through (iv);~~
- (b) growing the plant cell under plant growing conditions to produce a regenerated plant which expresses the polynucleotide for a time sufficient to increase ~~modulate~~ the level of tocopherol in the plant.

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23. (Previously Presented) The method of claim 22, wherein the polynucleotide comprises the sequence set forth in SEQ ID NO: 3.
24. (Previously Presented) The method of claim 22, wherein the plant is corn, soybean, sunflower, sorghum, canola, wheat, alfalfa, cotton, rice, barley, millet, *Arabidopsis thaliana*, tomato, *Brassica*, pepper, potato, apple, spinach, or lettuce.
- 25-39. (Cancelled)